

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference NO 7479/WO	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, Item 5 below.</small>	
International application No. PCT/EP2004/006469	International filing date (day/month/year) 16/06/2004	(Earliest) Priority Date (day/month/year) 23/06/2003
Applicant NESTEC S.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/006469

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23L1/305 A23L1/29 A23K1/16 A23K1/18 A61K38/00
A61K31/195

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23L A23K A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, FSTA, MEDLINE, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 281 325 A (NESTLE SA) 5 February 2003 (2003-02-05) paragraphs '0002!', '0003!', '0009! - '0021!', '0026!', '0032! - '0041!, '0052!', '0058!', '0063! - '0074!; claims 1-10	1-14
X	US 2001/031723 A1 (BALLEVRE OLIVIER ET AL) 18 October 2001 (2001-10-18) paragraphs '0002!', '0004!', '0007! - '0009!', '0011! - '0013!', '0015!, '0016!', '0022!', '0023!', '0029! - '0033!', '0040! - '0042!', '0046! - '0048!', '0064!; claims 1-34,40 figures 2,3 ----- -/--	1-7

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

13 October 2004

Date of mailing of the international search report

27/10/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Couzy, F

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/006469

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 99/14231 A (ZUCHT HANS DIETER ;LIEPKE CORNELIA (DE); FORSSMANN WOLF GEORG (DE)) 25 March 1999 (1999-03-25) pages 1-3 example 1 claims 1,2,5-7,9,10 -----	1-6,12
X	GB 1 159 615 A (VIVONEX CORPORATION) 30 July 1969 (1969-07-30) cited in the application tables I-III page 11, lines 115-122 page 12, lines 5-8,32-35	1-5
A	page 7, lines 11,12,21,22 page 8, lines 6-8 -----	6-14
X	DE 100 24 746 A (IH BRT N V) 22 November 2001 (2001-11-22) paragraphs '0003!', '0012!', '0023!' - '0025!', '0027!' examples 1-1.2,2 -----	6,12,14
X	WO 00/22945 A (SCHIFFRIN EDUARDO ;DONNET ANNE (CH); NESTLE SA (CH); VIDAL KARINE) 27 April 2000 (2000-04-27) page 9, line 26 - page 10, line 8 claims 9-19; example 1 -----	6,8,10, 12-14
X	US 2003/008016 A1 (ZIVKOVIC D DOROTHEA ET AL) 9 January 2003 (2003-01-09) paragraphs '0001!' - '0009!', '0032!' - '0034!', '0043!', '0044!', '0047!' - '0052!', '0054!', '0066!', '0070!' claims 1,4,5; examples 1-5 -----	6,12,14
X	US 5 322 836 A (SHIMAMURA SEIICHI ET AL) 21 June 1994 (1994-06-21) column 1, line 20 - column 3, line 33 examples 5,9 column 12, lines 6-21 claims 1-4 -----	6
X	US 5 531 988 A (PAUL STEPHEN M) 2 July 1996 (1996-07-02) column 1, lines 7-15 column 2, lines 59-65 column 3, line 24 - column 4, line 9 column 4, line 64 - column 5, line 52 column 7, lines 6-8,15-19 examples 6-11 claims 1,2,14-18,30-35 -----	6
	----- -/--	

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/006469

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/58283 A (FRIESLAND BRANDS BV ; LEEUWEN PAULUS ALUISIUS MARIE (NL); GLAS CORN) 16 August 2001 (2001-08-16) page 1, lines 3-20 page 2, lines 1-6, 13-19, 29-32 page 3, lines 1-4 page 4, lines 3-10 claims 1-3, 6, 14; examples 1-5, 7, 9 -----	7, 13, 14
X	US 6 180 099 B1 (PAUL STEPHEN M) 30 January 2001 (2001-01-30) column 3, line 38 - column 4, line 3 column 4, lines 37-60 -----	6, 12
X	DATABASE WPI Week 2002 Derwent Publications Ltd., London, GB; AN 2002-436267 XP002300655 CHEN Y, HAO Y, KONG F: "Health oral liquid" & CN 1 181 244 A (KONGYUAN BIOLOGICAL HEALTH GEN PLANT HUB) 13 May 1998 (1998-05-13) cited in the application abstract -----	14

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP2004/006469

Box II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 12-14
because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 12-14 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/006469

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 1281325 A	05-02-2003	EP 1281325 A1	05-02-2003
		BR 0211485 A	17-08-2004
		CA 2451866 A1	13-02-2003
		WO 03011055 A1	13-02-2003
		EP 1414316 A1	06-05-2004
US 2001031723 A1	18-10-2001	AU 4056401 A	14-08-2001
		BG 106967 A	30-04-2003
		BR 0108096 A	29-10-2002
		CA 2399063 A1	09-08-2001
		CN 1434681 T	06-08-2003
		CZ 20022978 A3	12-02-2003
		WO 0156405 A2	09-08-2001
		EP 1255452 A2	13-11-2002
		HU 0204439 A2	28-04-2003
		JP 2003533436 T	11-11-2003
		MA 25656 A1	31-12-2002
		NO 20023640 A	19-09-2002
		NZ 520605 A	25-06-2004
		PL 357078 A1	12-07-2004
		SK 11212002 A3	09-01-2003
		US 2003157186 A1	21-08-2003
		ZA 200207035 A	02-12-2003
WO 9914231 A	25-03-1999	DE 19805385 C1	12-08-1999
		AT 255130 T	15-12-2003
		DE 59810294 D1	08-01-2004
		WO 9914231 A2	25-03-1999
		EP 1028977 A2	23-08-2000
		ES 2212357 T3	16-07-2004
		JP 2001516570 T	02-10-2001
GB 1159615 A	30-07-1969	BE 694500 A	31-07-1967
		DE 1617912 A1	15-04-1971
		IL 26699 A	30-10-1970
		NL 6701383 A	17-11-1967
DE 10024746 A	22-11-2001	DE 10024746 A1	22-11-2001
		AU 6032301 A	03-12-2001
		WO 0189316 A1	29-11-2001
		EP 1289379 A1	12-03-2003
WO 0022945 A	27-04-2000	AU 6474099 A	08-05-2000
		CA 2347069 A1	27-04-2000
		WO 0022945 A2	27-04-2000
		EP 1123011 A2	16-08-2001
US 2003008016 A1	09-01-2003	US 2001048948 A1	06-12-2001
		AU 4436799 A	30-12-1999
		EP 1094824 A1	02-05-2001
		JP 2002517454 T	18-06-2002
		US 2003064116 A1	03-04-2003
		WO 9964022 A1	16-12-1999
		US 2003124198 A1	03-07-2003
US 5322836 A	21-06-1994	JP 2052079 C	10-05-1996
		JP 2225419 A	07-09-1990
		JP 7079684 B	30-08-1995

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/006469

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5322836	A	CA 2010778 A1 DE 69007831 D1 DE 69007831 T2 DK 385279 T3 EP 0385279 A2	27-08-1990 11-05-1994 20-10-1994 27-06-1994 05-09-1990
US 5531988	A 02-07-1996	AU 709155 B2 AU 4013695 A CA 2203762 A1 EP 1262192 A2 EP 0787006 A1 US 6180099 B1 WO 9613271 A1 US 6241983 B1 US 5531989 A US 5744134 A	19-08-1999 23-05-1996 09-05-1996 04-12-2002 06-08-1997 30-01-2001 09-05-1996 05-06-2001 02-07-1996 28-04-1998
WO 0158283	A 16-08-2001	NL 1014380 C2 AU 3619301 A CA 2398984 A1 CN 1400871 T EP 1255456 A1 JP 2003522136 T WO 0158283 A1 US 2003138476 A1	15-08-2001 20-08-2001 16-08-2001 05-03-2003 13-11-2002 22-07-2003 16-08-2001 24-07-2003
US 6180099	B1 30-01-2001	US 5744134 A US 5531989 A US 5531988 A US 6241983 B1 AU 709155 B2 AU 4013695 A CA 2203762 A1 EP 1262192 A2 EP 0787006 A1 WO 9613271 A1	28-04-1998 02-07-1996 02-07-1996 05-06-2001 19-08-1999 23-05-1996 09-05-1996 04-12-2002 06-08-1997 09-05-1996
CN 1181244	A 13-05-1998	NONE	